



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,415	05/30/2001	Stephen G. Perlman	50588/356	9275
32641 7590 09/26/2007 DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			EXAMINER MOORTHY, ARAVIND K	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/871,415

Applicant(s)

PERLMAN, STEPHEN G.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29,31-41,43-45 and 56-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29,31-41,43-45 and 56-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>see attachment</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the RCE filed on 13 July 2007.
2. Claims 29, 31-41, 43-45 and 56-60 are pending in the application.
3. Claims 29, 31-41, 43-45 and 56-60 have been rejected.
4. Claims 1-28, 30, 42 and 46-55 have been cancelled.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 July 2007 has been entered.

Response to Amendment

6. The examiner approves of the amendment made to the specification. The applicant has amended the specification as suggested by the examiner to read as "The machine-readable medium may include, but is not limited to storage media such as floppy diskettes, optical disks, CD-ROMs, and magneto-optical disks, ROMs, RAMs, EPROMs, EEPROMs, magnet or optical cards or propagation media or other type of media/machine-readable medium suitable for storing electronic instructions" for page 43, lines 16-20. The examiner withdraws the 101 rejection made to the claims.
7. The examiner approves of the amendment made to claims 41, 57 and 58. No new matter has been added. The applicant has amended the limitation "original multimedia streams" to "first multimedia streams". The amendment overcomes the rejection made under 35 U.S.C. 112, first

Art Unit: 2131

paragraph, as failing to comply with the written description requirement. The examiner withdraws the rejection made under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The amendment also overcomes the rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner withdraws the rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Response to Arguments

8. Applicant's arguments, see pages 11 and 12, filed 13 July 2007, with respect to claims 29, 31-41, 43-45 and 56-60 have been fully considered and are persuasive. The objection of the claims has been withdrawn.

9. Regarding the prior art, the Applicant's arguments with respect to claims 29, 31-41, 43-45 and 56-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 29, 31, 32, 36-41, 43, 44 and 56-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Richards U.S. Patent No. 6,690,795 B1.

As to claims 29 and 56, Richards discloses a computer-implemented method for processing multimedia channels comprising:

encrypting a first group of unencrypted multimedia channels using conditional access (“CA”) encryption to produce a first group of encrypted multimedia channels [column 6, lines 57-67; column 7 line 63 to column 8 line 2],

encrypting the first group of unencrypted multimedia channels using a different type of encryption to produce a second group of encrypted multimedia channels [column 6, lines 57-67; column 7 line 63 to column 8 line 2]; and

simulcasting the first group of encrypted multimedia channels simultaneously with the second group of encrypted multimedia channels to a plurality of multimedia subscribers having either a new multimedia receiver or a legacy multimedia receiver [column 10, lines 5-12], the second group of encrypted multimedia channels being decryptable by the new multimedia

Art Unit: 2131

receivers and the first group of encrypted multimedia channels being decryptable by the legacy multimedia receivers [column 7, lines 1-14].

As to claim 42, Richards discloses that the first type of encryption is standard conditional access ("CA") encryption [column 8, lines 36-43].

As to claims 31 and 43, Richards discloses that the different type of encryption is digital video broadcast ("DVB") encryption [column 8, lines 36-43].

As to claim 32, Richards discloses that the first group of unencrypted multimedia channels are subscription based channels [column 18, lines 26-40].

As to claim 36, Richards discloses that the method further comprises:

transmitting a second group of unencrypted multimedia channels in an unencrypted format [column 6, lines 30-38].

As to claim 37, Richards discloses that the second group of unencrypted multimedia channels are basic cable channels and the first group of unencrypted multimedia channels are subscription-based cable channels [column 6, lines 30-38].

As to claim 38, Richards discloses that the method further comprises:

encrypting a first subset of the basic cable channels using the first type of encryption to produce a first group of encrypted basic cable channels [column 11, lines 38-51];

encrypting the first subset of the basic cable channels using the different type of encryption to produce a second group of encrypted basic cable channels [column 11, lines 38-51]; and

concurrently transmitting the first group of encrypted basic cable channels with the second group of encrypted basic cable channels to the plurality of multimedia subscribers [column 11, lines 38-51].

As to claim 39, Richards discloses that the method further comprises:

transmitting a second subset of the basic cable channels in an unencrypted format [column 6, lines 30-38].

As to claim 40, Richards discloses that the method further comprises:

regularly transferring channels from the first subset of basic cable channels to the second subset of basic cable channels and channels from the second subset of basic cable to the first subset of basic cable channels [column 11, lines 38-51].

As to claim 41, Richards discloses a headend system for processing multimedia streams comprising:

a first encryption module to encrypt a plurality of first multimedia streams using conditional access ("CA") encryption [column 6, lines 57-67; column 7 line 63 to column 8 line 2]; and

a second encryption module to encrypt the same plurality of first multimedia streams using a different type of encryption [column 6, lines 57-67; column 7 line 63 to column 8 line 2]; and

a quadrature amplitude modulation module to modulate the plurality of first multimedia streams encrypted in both CA encryption and the different type of encryption for transmission to a plurality of multimedia subscribers at the same

Art Unit: 2131

time [column 12 line 57 to column 13 line 15], the plurality of multimedia subscribers having either a new multimedia receiver or a legacy multimedia receiver [column 10, lines 5-12], each new multimedia receiver being capable of decrypting the plurality of first multimedia streams encrypted in the different type of encryption and each legacy multimedia receiver being capable of decrypting the plurality of first multimedia streams encrypted in the CA encryption [column 7, lines 1-14].

As to claim 44, Richards discloses that the plurality of first multimedia streams are premium cable channels [column 8, lines 36-43].

As to claim 57, Richards discloses a system comprising:

means for encrypting first channels using both conditional access ("CA") encryption and a different form of encryption [column 6, lines 57-67; column 7 line 63 to column 8 line 2]; and

means for simulcasting the first channels encrypted in both CA encryption and the different form of encryption to subscribers simultaneously [column 10, lines 5-12] the subscribers having either a new multimedia receiver or a legacy multimedia receiver [column 10, lines 5-12], the first channels encrypted using the different form of encryption being decryptable by the new multimedia receivers and the first channels encrypted using the CA encryption being decryptable by the legacy multimedia receivers [column 7, lines 1-14].

Art Unit: 2131

As to claim 58, Richards discloses a method for deploying new multimedia receivers comprising:

encrypting a first set of channels using a first type of encryption [column 6, lines 57-67; column 7 line 63 to column 8 line 2]

encrypting the first set of channels using a second type of encryption [column 6, lines 57-67; column 7 line 63 to column 8 line 2] and

simultaneously broadcasting the encrypted set of channels that have been respectively encrypted in the first type of encryption and the second type of encryption to subscribers having either a new multimedia receiver or a legacy multimedia receiver [column 10, lines 5-12]

the channels encrypted using the second type of encryption being decryptable by the new multimedia receivers and the channels encrypted using the first type of encryption being decryptable by the legacy multimedia receivers [column 7, lines 1-14]

As to claim 59, Richards discloses transmitting a specified group of channels using no encryption [column 6, lines 30-38]

As to claim 60, Richards discloses that the specified group of channels comprise basic cable channels and the first set of channels comprise premium channels [column 8, lines 36-43].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards U.S. Patent No. 6,690,795 B1 as applied to claims 1, 13 and 29 above, and further in view of Traw et al U.S. Patent No. 6,542,610 B2.

As to claims 33-35, Richards does not teach that the method further comprises compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Richards does not teach that the first compression type is MPEG-2. Richards does not teach that the second compression type is MPEG-4. Richards does not teach a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

Traw et al teaches compressing a first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Traw et al teaches that the first compression type is MPEG-2. Traw et al teaches that the second compression type is MPEG-4. Traw et al teaches a first decompression module to decompress one or more of the first plurality of multimedia streams previously

Art Unit: 2131

compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type [column 4, lines 3-65].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Richards so that the method further comprised compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. The first compression type would have been MPEG-2. The second compression type would have been MPEG-4. There would have been a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Richards by the teaching of Traw et al because using compression types of MPEG-2 and MPEG-4 provides good broadcast quality and provides low bandwidth video [column 4, lines 3-7].

Art Unit: 2131

12. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richards U.S. Patent No. 6,690,795 B1 as applied to claim 41 above, and further in view of Traw et al U.S. Patent No. 6,542,610 B2.

As to claim 45, Richards does not teach that the method further comprises compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Richards does not teach that the first compression type is MPEG-2. Richards does not teach that the second compression type is MPEG-4. Richards does not teach a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

Traw et al teaches compressing a first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Traw et al teaches that the first compression type is MPEG-2. Traw et al teaches that the second compression type is MPEG-4. Traw et al teaches a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type [column 4, lines 3-65].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Richards so that the method further comprised

Art Unit: 2131

compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. The first compression type would have been MPEG-2. The second compression type would have been MPEG-4. There would have been a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Richards by the teaching of Traw et al because using compression types of MPEG-2 and MPEG-4 provides good broadcast quality and provides low bandwidth video [column 4, lines 3-7].


Art Unit: 2131


Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy 
September 19, 2007


SYED A. ZIA
PRIMARY EXAMINER